

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

FRANK M. MUNIZ,

Plaintiff/Appellant,

v.

No. 1:08-cv-00714-JB-ACT

JIM MOORE, STG COORDINATOR, in his  
individual capacity, et al.,

Defendants/Appellee..

**ORDER GRANTING LEAVE TO PROCEED ON APPEAL  
PURSUANT TO 28 U.S.C. § 1915(b) AND FED. R. APP. P. 24**

This matter is before the Court on Frank M. Muniz' prisoner motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24. The required filing fee for this appeal is \$455.00. Based on the information of **Frank M. Muniz'** financial status, the Court finds that **Frank M. Muniz** is able to pay an initial partial filing fee of **\$8.55**, pursuant to 28 U.S.C. § 1915(b)(1).

**WHEREFORE,**

**IT IS ORDERED** that the prisoner's motion and affidavit for leave to proceed on appeal pursuant to 28 U.S.C. § 1915 is GRANTED. **Frank M. Muniz** shall be required to pay the full amount of the filing fee pursuant to 28 U.S.C. § 1915(b)(1).

**IT IS FURTHER ORDERED** that, within thirty (30) days from entry of this order, **Frank M. Muniz** shall pay to the Clerk of the Court an initial partial filing fee of **\$8.55** or show cause why he has no assets and no means by which to pay the designated initial partial filing fee.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall provide **Frank M. Muniz** with two copies of this order. **Frank M. Muniz** is directed to make the necessary arrangements to have one copy of this order attached to the check in the amount of the designated initial partial filing fee.

**IT IS FURTHER ORDERED** that the Court will not review the merits of the appeal until the initial partial filing fee is paid.

**IT IS FURTHER ORDERED** that after payment of the initial partial filing fee, the authorized officer shall be required to make monthly payments of **twenty per cent (20%)** of the preceding month's income credited to **Frank M. Muniz'** account or show cause why he has no assets and no means by which to pay the designated filing fee. The Clerk of the Court shall provide **Frank M. Muniz** with two copies of the post-filing financial certificate, and **Frank M. Muniz** is directed to make the necessary arrangements to have the monthly payments identified by the civil action number on this order.

**FINALLY IT IS FURTHER ORDERED** that if **Frank M. Muniz** fails to have the designated initial partial filing fee or monthly payments sent to the Clerk of the Court by the designated deadline or to show cause why he has no assets and no means by which to pay the designated initial partial filing fee or monthly payments, the court of appeals will be so notified.

  
UNITED STATES MAGISTRATE JUDGE